

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 13, 2001**

## DIVISION ONE

B141649	Robert Wagner, Trustee Of Wagner Family Trust et al. v. City of South Pasadena et al.	(Not for Publication)
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Plaintiffs' appeal is dismissed insofar as it relates to claims governed by the validation statutes (§ 860 et seq.). Otherwise, the order of dismissal is affirmed. Defendants are to recover costs on appeal.

Spencer, P.J.

I concur:       Mallano, J.

I concur in the judgment only: Vogel (Miriam A.), J.

### DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B146167 People v. Sosa  
B150751 Children and Family Services v. Christopher W.  
B149292 Children and Family Services v. Rosa P., et al.  
B146624 People v. Phillips  
B147736 People v. Harris  
B146663 People v. Wheeler  
B118487 People v. Ransfer  
B148254 People v. Colbert  
B144942 People v. Carrara  
B145258 Vitaford International Corp., et al., v. Unishippers Association, Inc.

DIVISION THREE (Continued)

Each of the following (continued):

B153127 Willie B., v. S.C.L.A.

B145309 Children and Family Services v. Joseph F.

B148436 Children and Family Services v. Rogers E.

B146125 Children and Family Services v. Asia L.

B147016 People v. Castaneda

B148206 People v. Owens

B147191 People v. Lewis

B141288 People v. Clark

Argument waived, cause submitted.

B144458     Allen  
              v.  
              Buracchio

Merits:

Argued by Paul L. Tetreault for respondent. Argument waived by the appellant. Cause submitted.

B148193     People  
              v.  
              Stines

Merits:

Argued by Nancy J. King for appellant and by Tracey Letteau, deputy attorney general, for respondent. Cause submitted.

B148282     Coulter  
              v.  
              The Walt Disney Company

Merits:

Argued by Mark R. Haddon for appellant and by Warrington S. Parker, III for respondent. Cause submitted.

DIVISION THREE (Continued)

B142736     People  
              v.  
              Warner

Merits:

Argued by Lynne McGinnis for appellant and by Chung L. Mar, deputy attorney general, for respondent. Cause submitted.

B143284     People v. Arnwine  
B148435     In re Timothy S. Arnwine on Habeas Corpus

Merits:

Argued by Sandra Uribe for appellant/petitioner and by Brent Riggs, deputy district attorney, and Chung L. Mar, deputy attorney general, for respondent. Cause submitted.

B145272     Hunter  
              v.  
              Terry York Enterprises et al.

Merits:

Argued by Janice R. Mazur for appellant and by Neil J. Rubenstein for respondents. Cause submitted.

B148121     People  
              v.  
              Noh et al.

Merits:

Argued by E. Alan Nunez for appellant and by Fred Klink, deputy district attorney, for respondent. Cause submitted.

Court recessed at 12:10 P.M.

DIVISION THREE (Continued)

Court reconvened at 1:45 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

B146173     People  
              v.  
              Avendano

Merits:

Argued by Steffan Imhoff for appellant and by Catherine T. Okawa, deputy attorney general, for respondent. Cause submitted.

B143714     Hargrave  
              v.  
              Juan M. Maverick Arms, Inc.

Merits:

Argued by Garry Whiter for appellant and by Mark H. Herskovitz for respondent. Cause submitted.

B146701     Jack In Box Corporation  
              v.  
              Alameda Corridor Transportation Authority et al.

Merits:

Argued by Marc R. Levine for appellant and by Eric L. Troff and G. Robert Hale for respondents. Cause submitted.

B144461     Gutierrez  
              v.  
              Civil Service Commission of the County of Los Angeles et al.

Merits:

Argued by Manuel A. Valenzuela, deputy county counsel, for appellants and by Diane Marchant for respondent. Cause submitted.

November 13, 2001-Continued

### DIVISION THREE (Continued)

B131086 Roland Land Investment Company  
v.  
Velur Investments II, Inc.

Merits:

Argued by Stephen Norris for appellant and by Richard D. Agay for respondent. Cause submitted.

Court adjourned at 3:30 P.M.

DIVISION FOUR

B145036      Towns                                  (Not for Publication)  
v.  
Stansbury, Jr.

The order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B124482	Foxgate Homeowners' Association, Inc. v. Bramalea California, Inc. Ivan Stevenson	(Not for Publication)
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The judgment is reversed. Each party to bear their own costs.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

## DIVISION FIVE (Continued)

B148710      People                                  (Not for Publication)  
v.  
Darryl Patton

The one-year enhancements under Penal Code section 667.5, subdivision (b) for A641481, BA044840, and BA074525 are stayed. Defendant's aggregate sentence is reduced to 41 years to life. The order imposing \$5000 attorney fees is stricken. As modified, the judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Mosk, J.

B148300 People (Not for Publication)  
v.  
Cesar C.

The juvenile court's true finding as to count 2. Count 2 is ordered dismissed. The wardship orders are affirmed in all other respects.

Turner, P.J.

We concur:   Armstrong, J.  
                      Willhite, J. (Assigned)

B146881      People                                  (Not for Publication)  
v.  
Tracy Preston

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Willhite, J. (Assigned)

## DIVISION FIVE (Continued)

B147596      People                                  (Not for Publication)  
v.  
Donald Jenious

Defendant's appeal as to count 3 is dismissed. The judgment is affirmed but the cause is remanded to permit the trial court to impose a fine pursuant [to] Vehicle Code section 23550.5, subdivision (a) plus penalty assessments.

Turner, P.J.

We concur: Grignon, J.  
Willhite, J. (Assigned)

B143637      People                                  (Not for Publication)  
v.  
Pamela Rayford

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Willhite, J. (Assigned)

DIVISION SIX

B143376      Roberts      (Not for Publication)  
v.  
Santa Barbara County Employees' Retirement System

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

DIVISION SIX (Continued)

B145375      Ambler      (Not for Publication)

v.

671 Tefft Street Partners et al.

The order awarding attorney fees is affirmed. Costs are awarded to respondents.

Perren, J.

We concur:   Gilbert, P.J.  
                  Coffee, J.

B145826      Embarcadero Municipal Improvement District      (Not for Publication)

v.

Goleta West Sanitary District

The judgment of the trial court is affirmed. Each party is to bear its own costs on appeal.

Coffee, J.

We concur:   Yegan, Acting P.J.  
                  Perren, J.

B151539      In re George Christie III on Habeas Corpus

Filed order modifying opinion. (No change in the judgment)



DIVISION SEVEN

B142155      Sheila Ananeh-Firempong      (Not for Publication)  
                 v.  
                 Owusu Ananeh-Firempong

The appeal dismissed. Respondent to recover costs on appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                 Boland, J. (Assigned)

B142915      People      (Not for Publication)  
                 v.  
                 Eleazar Olmedo

The judgment is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                 Boland, J. (Assigned)

B146030      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Reshonda G.  
                 In re Diona M., a Person Coming Under the Juvenile Court Law.

The order denying appellant's motion to vacate the termination order is affirmed. As to the remaining orders referenced herein, the appeal is dismissed.

Woods, J.

We concur:   Lillie, P.J.  
                 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B148090      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Tina R.  
                 In re Joshua M., a Person Coming Under the Juvenile Court Law.

The order is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                 Johnson, J.

B145105      Carlos Ferreira      (Not for Publication)  
                 v.  
                 Matha Kamara  
                 Cigna Insurance Company

The judgment is reversed in part and remanded with directions to the trial court to award appellant, according to proof, his reasonable costs of suit pursuant to Labor Code section 3860, subdivision (e). In all other respects the judgment is affirmed. Each party shall bear its own costs on appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                 Boland, J. (Assigned)

B142815      Muehsam  
                 v.  
                 Stern  
B144491      Muehsam  
                 v.  
                 Stern

Filed order consolidating above captioned appeals for purposes of argument and opinion.

DIVISION SEVEN (Continued)

B141292	People v. Allen Roy French	(Not for Publication)
B148375	In re Allen French on Habeas Corpus	

The petition for writ of habeas corpus is granted and the judgment is reversed. In the event the People elect to retry French, the trial court is directed to conduct a competency proceeding. The appeal is dismissed as moot.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.